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REMARKS

In response to the Office Action mailed on August 6, 2008, Applicants respectfully requests reconsideration. Claims 1-3, 5-10, 12-14, 16-19, and 21-26 are now pending in this Application. Claims 1, 8, 12 and 18 are independent claims and the remaining claims are dependent claims. Claims 1, 8, 12 and 18 have been amended. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

The Examiner rejected claims 1-3, 5-10, 12-14, 16-19 and 21-16 under 35 U.S.C. §112, first paragraph and second paragraph, as failing to comply with the written description and as being indefinite. Applicants respectfully disagree with the Examiner's position. Support for the phrase "a first frame, subsequent frames include an acknowledgement, regardless of whether an acknowledgement is required." is supported throughout the specification, for example at paragraph 10. Even though the independent claims have been amended to remove this limitation, support for a similar limitation (namely "...for frames requiring an acknowledgment as well as an acknowledgement for frames not requiring an acknowledgement..") is supported throughout the specification as well as in the provisional patent application the present application claims priority to (see page 3 of provisional patent application 60/441,160 as well as Figures 1, 2 and 3). Accordingly, the rejection under 35 U.S.C. §112, first paragraph, should be removed.

Claims 1, 3, 5-7, 12, 14, and 16-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0161340 to Sherman (hereinafter Sherman) in view of U.S. Patent Publication No. 2004/0120292 to Trainin (hereinafter Trainin) and further in view of U.S. Patent No. 6,301, 249 to Mansfield et al. (hereinafter Mansfield).

The Examiner stated that the combination of Sherman and Trainin fails to disclose following a first frame, subsequent frames include an acknowledgement, regardless of whether an acknowledgement is required. While this exact language has been removed from the independent claims, similar language has

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been added. Assuming then that the Examiner would make a similar argument regarding Mansfield disclosing wherein an ACK is sent for every frame, applicant respectfully disagrees with the Examiner's statement. A review of Mansfield discloses that sending an ACK for every frame requiring an ACK. Mansfield does not show sending an ACK for frames not requiring an ACK. If the Examiner is to maintain a rejection regarding Sherman, Trainin and Mansfield disclosing wherein an ACK is sent for subsequent frames which require an ACK as well as for subsequent frames that do not require an ACK the Examiner is asked to point out in particular detail where in the reference such disclosure occurs.

The claim limitation "...following a first frame, subsequent frames include an acknowledgement for frames requiring an acknowledgment as well as an acknowledgement for frames not requiring an acknowledgement.." provides an advantage over the prior art as generating a frame with the acknowledgement enables the device to prepare the frame in advance saving time, which can be used for other processing such as encrypting or the like.

Accordingly, claims 1, 8, 12 and 18 are believed allowable over the prior art of record. Claims 3, 5-10, 13-14, 16-17, 19 and 21-26 depend from claims 1, 8, 12 or 18 and are believed allowable as they depend from a base claim which is believed allowable.

In view of the above, the Examiner's objections and rejections are believed to have been overcome, placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully submitted.

Applicants hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an online payment made herewith, please charge any deficiency to Deposit Account No. 50-3735.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/DWR/

David W. Rouille, Esq.
Attorney for Applicants
Registration No.: 40,150
Chapin Intellectual Property Law, LLC
Westborough Office Park
1700 West Park Drive, Suite 280
Westborough, Massachusetts 01581
Telephone: (508) 616-9660
Facsimile: (508) 616-9661

Attorney Docket No.: AVA04-01

Dated: December 4, 2008